IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1067 OF 2006

1. Rajan Chandu Takadikar,
2. Bali alias Hanuman Kanhu Kene. ...Applicants

V/s.

The State of Maharashtra. ...Respondent

Shri R.S. Apte i/b. Shri Vaibhav Patankar for Applicants.
Shri Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 20, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned APP for the State.

. The applicants are apprehending arrest in connection with an offence under Sections 379, 380 read with Section 34 of the IPC which is registered vide C.R.No.I-19/2006 at the Kalyan Taluka Police Station.

2. It is alleged by the complainant that there was rivalry between two families over extraction of soil from the river bed. One person from one of the group viz. one Jadhav was murdered and there was possibility

of a riot. The complainant and his family members ran away from the house. It is alleged that one Shivaji and his companion taking advantage of this situation, committed theft in the house of the complainant and removed valuable property and two bullocks belonging to the complainant were also stolen.

3. Learned Counsel for the applicants submits that there is rivalry between the complainant and the present applicants since the applicants had filed complaint under the provisions of Protection of Animals Act, 1986. It is submitted that the names of the applicants are not mentioned in the FIR.

4. Learned APP, on the other hand, submitted that there is material on record in the form of statement of co-accused who has stated that the present applicants are involved in the alleged theft. It is submitted that two bullocks were also recovered which they were stolen by the present applicants.

5. It is not possible to accept the said submission

of the learned APP. The applicants are members of a registered Social Organisation viz. Bharatiya Govansh Rakshan Sanvardhan Samiti and they are working for animal welfare, their preservation and protection and more particularly their activity is restraining any illegal slaughtering of cows throughout the State of Maharashtra. The complainant has not named the present applicants in the complaint. Even according to the complainant, they ran out of their house on account of fear. The person whose name is mentioned in the complaint has been released on bail. The statement of co-accused is not admissible in evidence. Some of the articles have been recovered from the field of the complainant himself. Taking these circumstances into consideration, in my view, this is a fit case for grant of bail.

6. The applicants in the event of their arrest in connection with an offence registered at Kalyan Taluka Police Station vide C.R.No.I-19/2006 under Sections 379, 380 read with Section 34 of the IPC, be released on bail in the sum of Rs.5000/- each with one or two sureties in

the like amount. The applicants shall report to the said police station for a period of four days from 11 a.m. to 5 p.m. and thereafter, as and when they are called by the Investigating Officer. Investigating Officer shall call the applicants between 11 a.m.to 5 p.m.

. The application is disposed of in the above terms.

(V.M. Kanade, J.)